

**BRANCH CLERK OF COURT MARIZEN B. GRUTAS, Complainant, vs.
REYNALDO B. MADOLARIA, Respondent.**

A.M. No. P-06-2142 (Formerly OCA I.P.I. No. 05-2294-P). April 16, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

This case arose from a complaint-affidavit dated September 26, 2005[1] filed by Branch Clerk of Court, Atty. Marizen Grutas (complainant), charging Deputy Sheriff Reynaldo B. Madolaria (respondent) of the Regional Trial Court (RTC), Branch 217, Quezon City with gross incompetence, insubordination and conduct prejudicial to the best interest of the service.

Complainant alleged that on several occasions, respondent had been remiss in his duties as deputy sheriff. He was always out of office and had the predilection to loaf during office hours resulting in the delay and resetting of court hearings. Further, respondent's conduct seriously affected the schedule of hearings which impaired the RTC's function of administering speedy justice to the party-litigants. Several memoranda were issued to respondent requiring him to explain his failure to submit on time the return of the notices and processes in the case pending before the court. Complainant reports that respondent merely disregarded the said directives. Complainant further avers that respondent remained adamant despite the following memoranda/orders issued to him, to wit:

1) Memorandum dated 23 June 2004

Subject: Procedure Re: Time-Ins and Time-Out Unauthorized Out of Court Processes and Transactions and Turn-over of Return.[2]

2) Memorandum dated 3 August 2004

Subject: Loafing During Office Hours, Disrespectful Attitude, Inefficiency.[3]

3) Memorandum dated 23 September 2004

Subject: Failure to Submit Return within the Allowable Period in the following cases:

1) Jane Orsino vs. Highway Rental Services Corp. rep. by its Pres. Lee Seung and Vice Pres. Annie Llanura - Civil Case No. Q-04-51476;

2) Fred Bautista and Ana Tribina vs. Lily Crespo and Priscilla Crespo - Civil Case No. Q-04-52667; and

3) Epifania Ignacio, et al. vs. The Register of Deeds of Quezon City, et al. - Civil Case No. Q-04-52723.[4]

4) Memorandum dated 25 October 2004

Subject: Failure to Make a Return Re: the Order dated July 29, 2004, Re: Sp. Proc. No. Q-04-52764 Despite Receipt thereof on August 4, 2004.[5]

5) Memorandum dated 25 October 2004

Subject: Failure to Submit Return Re: Writs of Preliminary Attachment Within the Allowable Period in the following cases:

- 1) Power Check vs. Ferdinand Garcia - Q-04-52898.
- 2) Sonic Print, Inc. vs. Handy City Pages, Inc., et al. - Q-04-53159.
- 3) Igros Marketing Corp. vs. MSM Contracting Corp. - Q-03-50220.[6]

6) Memorandum dated 13 December 2004

Subject: Failure to Serve Notice to Accused Salvador Jara y Sarabia for Promulgation of Judgment (Crim. Case No. Q-98-76268).[7]

7) Memorandum dated 01 March 2005

Subject: Failure to Make a Return (Civil Case No. 04-54187).[8]

8) Order Issued by Judge Lydia Layosa dated 13 May 2005 in Civil Case No. Q-05-54916 citing respondent in contempt of court and ordering him to pay a fine of One Hundred Pesos (P100.00) for failure to serve the Order dated 4 April 2005 (settling the prayer for preliminary injunction) resulting in non-appearance of petitioner's counsel in the hearing for the injunction.[9]

9) Memorandum dated 26 April 2005

Subject: Failure to Make a Return Re: the Service of Summons in Civil Cases Nos. 05-54620 and 05-05-55072.[10]

10) Memorandum dated 19 May 2005

Subject: Inefficiency, Complete Disregard of Office Rules (for not reporting back to the office after serving court orders and/or processes during the remaining office hours).[11]

11) Memorandum dated 01 June 2005

Subject: Failure to Serve Notice to Accused for Arraignment on June 1, 2005 (Crim. Case No. Q-05-132200).[12]

12) Memorandum dated 24 June 2005

Subject: Failure to Submit Returns Re: Writ of Preliminary Attachment in Civil Case No. Q-04-54479, entitled Dr. Potenciano Malvar vs. Atty. Sergio Angeles, et al. Despite the Pending Motion to Quash Writ Filed by Defendant.[13]

13) Memorandum dated 30 June 2005

Subject: Insubordination to Office Rules & Directives (for failure to attend the monthly Judicial Service Team meeting despite notice).[14]

14) Memorandum dated 11 July 2005

Subject: Failure to Serve Notices to Witnesses in Crim. Case Nos. Q-05-131750, 05-133415 and Service Thereof Despite Lack of Three Day Notice in Crim. Case Q-04-24217.[15]

15) Memorandum dated 01 August 2005

Subject: Late Submission of Returns in Violation of the Office Rules Agreed Upon During the JST Meeting on July 27, 2005 (Crim. Case No. 03-120093-94; Crim. Case No. Q-04-127994-95-96).[16]

16) Memorandum dated 02 August 2005

Subject: Failure to Submit Sheriff's Returns Re: Judgment of Forfeiture and Writs Executed on Confiscated Bonds in Violation of the Rules on Surety Bond.

- 1) Pp. vs. Monica Cincyo y Rapal (Q-03-122915);
- 2) Pp. vs. Edilberto Napoles y Castillo (Q-02-108283);
- 3) Pp. vs. Juancho Navarro y Fernandez (Q-03-122332);
- 4) Pp. vs. Senando Santos (Q-03-122962);
- 5) Pp. vs. Antonio Yucor y Mirasol (Q-03-122962);
- 6) Pp. vs. Armando Padilla y Pascual (Q-04-123603); and
- 7) Pp. vs. Rodrigo Mahur-Benson (Q-03-121120).[17]

17) Memorandum dated 13 December 2004

Subject: Guidelines on How to Make a Proper Service of Notices/Processes, Orders, etc.[18]

18) Memorandum dated 26 April 2005

Subject: Proper Coordination/OB Slip Before Service of Any Court Processes.[19]

The Office of the Court Administrator (OCA) thereupon ordered respondent, by 1st Indorsement of October 11, 2005,[20] to submit his Comment within ten days from receipt.

In his Counter-Affidavit, respondent contended that voluminous court processes for service, difficulty in locating the addresses and effecting personal service, and heavy traffic usually prevent him from going back to work after he has served all the processes. He claims that complainant was never satisfied with his diligent work because she wants him to resign from the service in order that the position may be vacated.

In the agenda report[21] dated February 13, 2006, the OCA recommended that respondent be suspended from office for one year without pay with warning that the commission of the same or similar acts shall be dealt with more severely. Observed the Court Administrator:

Certainly, respondent's reliance in the above-cited case is misplaced. His acts clearly constitute dereliction of duty and gross incompetence to the great prejudice of the administration of justice. As sheriff, he is primarily responsible for the speedy and efficient service of all court processes.

Respondent did not deny the allegations in the complaint but merely proffered flimsy excuses for his failures. It can be discerned from respondent's own counter-affidavit that complainant had no malicious motive for lodging the instant complaint.

The Court has time and again reminded court personnel to perform their assigned tasks promptly and with great care and diligence. Sec. 1, Canon IV of the Code of Conduct for Court Personnel, provides:

Sec. 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

The Court agrees with the OCA's findings and recommended penalty.

Respondent relied in the ruling of the case of *Philippine Racing Club, Inc. v. Bonifacio, et al.*[22] and claimed that:

x x x when the Deputy Sheriff is invested with discretion and is empowered to exercise judgment in matters brought before him such as prioritizing the service of notice, processes, and court orders, he is called a quasi-judicial officer, and when so acting, he is given immunity from liability [to those] who may be injured as a result of such erroneous or mistaken decision. x x x[23]

As noted by the OCA, respondent's contention is flawed. Section 1 of Article XI of the Constitution declares that a public office is a public trust. It enjoins public officers and employees to serve with the highest degree of responsibility, integrity, loyalty and efficiency and to at all times remain accountable to the people.[24] As frontline officials of the justice system, sheriffs and deputy sheriffs must always strive to maintain public trust in the performance of their duties.[25]

The Court finds respondent's explanations of the various offenses attributed to him to be utterly wanting. As the OCA reported, respondent did not refute the allegations in the complaint but merely proffered feeble defenses for his unsatisfactory work in the judiciary.

By the very nature of their functions, deputy sheriffs, such as respondent, are called upon to discharge their duties with due care and utmost diligence and above all, to be beyond suspicion.[26] Evidently, respondent's repeated failure to make a return, to serve notice to the accused, and to submit a return within the allowable period constitute inefficiency and incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service. Inefficiency and incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service each carry the penalty of suspension from six months and one day to one year even for the first offense.[27]

Respondent's failure likewise to attend the JTS Meeting on July 27, 2005 echoes his insubordination to office rules and directives and shows his lack of professionalism.[28] For the first offense, insubordination carries the penalty of suspension from one month and one day to six months.[29]

Another infraction committed by the respondent is loafing, which is defined as "frequent unauthorized absences from duty during regular hours," with the word "frequent" connoting that the employees absent themselves from duty more than once.[30] Respondent claims that he is always on duty outside of the office and does his work even late in the afternoon, sometimes utilizing the weekends for the rendition of his service. This explanation is indefensible as the practice of off-setting tardiness or absence by working for an equivalent number of minutes or hours beyond the regular or approved working hours of the employee concerned is not allowed under the Civil Service Rules.[31] Loafing or frequent unauthorized absences from duty during regular working hours is punishable by suspension from office for six months and one day to one year for the first offense following Rule IV, Section 52 A (17) of the Uniform Rules on Administrative Cases in the Civil Service or CSC Resolution No. 991936.

In *Lopena v. Saloma*,[32] the Court held:

x x x all judicial employees must devote their official time to government service. Public officials and employees must see to it that they follow the Civil Service Law and Rules. Consequently, they must observe the prescribed office hours and the efficient use of every moment thereof for public service if only to recompense the government and ultimately the people who shoulder the cost of maintaining the judiciary. To inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. This is because the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the last and lowest of its

employees. Thus, court employees must exercise at all times a high degree of professionalism and responsibility, as service in the judiciary is not only a duty, it is a mission.[33]

WHEREFORE, Reynaldo B. Madolaria, Deputy Sheriff, Regional Trial Court, Branch 217, Quezon City, is found GUILTY of inefficiency and incompetence in the performance of official duties, conduct prejudicial to the best interest of service, insubordination, and loafing or frequent unauthorized absences from duty during regular working hours and is SUSPENDED for one (1) year without pay, with a STERN WARNING that the commission of the same or similar acts shall be dealt with more severely.

No costs.

SO ORDERED.

Puno, C.J. (Chairperson), Corona, and Leonardo-de Castro, JJ., concur.
Carpio, J., on leave.

[1] Rollo, pp. 1-4.

[2] Rollo, p. 5.

[3] Id. at 6.

[4] Id. at 7.

[5] Id. at 8.

[6] Id. at 9.

[7] Id. at 10.

[8] Id. at 12.

[9] Id. at 13.

[10] Id. at 21.

[11] Id. at 22.

[12] Id. at 23.

[13] Id. at 24.

[14] Id. at 25.

[15] Id. at 26-27.

[16] Id. at 28.

[17] Id. at 29.

[18] Id. at 30.

[19] Id. at 31.

[20] Id. at 33.

[21] Id. at 64-67.

[22] 109 Phil. 233, 241 (1960).

[23] Rollo, p. 42.

[24] *Geolingo v. Albayda*, A.M. No. P-02-1660, January 31, 2006, 481 SCRA 32, 38.

[25] *Fajardo v. Sheriff Quitaig*, 448 Phil. 29, 31 (2003).

[26] *Imperial v. Santiago, Jr.*, 446 Phil. 104, 119 (2003).

[27] Rule IV, Section 52 A (16), (20) of the "Uniform Rules on Administrative Cases in the Civil Service," Resolution No. 991936 of the Civil Service Commission.

[28] *Geolingo v. Albayda*, *supra* note 24, at 39.

[29] Rule IV, Section 52 B (5) of the "Uniform Rules on Administrative Cases in the Civil Service," Resolution No. 991936 of the Civil Service Commission.

[30] *Lopena v. Saloma*, A.M. No. P-06-2280, January 31, 2008.

[31] Section 9 Rule XVII of the Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws provides:

SEC. 9. Off-setting of tardiness or absence by working for an equivalent number of minutes or hours by which an officer or employee has been tardy or absent, beyond the regular or approved working hours of the employees concerned, shall not be allowed.

[32] *Supra* note 30.

[33] *Id.*

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